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Attorneys for Plaintiff
TIM GALLI

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

TIM GALLI,

Plaintiff,

vs.

PITTSBURG UNIFIED SCHOOL DISTRICT,
BARBARA WILSON AND PERCY MCGEE,

Defendants.

CASE NO: 3:09-cv-03775-JSW

**PLAINTIFF'S MOTION FOR
ADMINISTRATIVE RELIEF TO FILE
AMENDED DECLARATION OF TIM
GALLI IN SUPPORT OF OPPOSITION
TO DEFENDANTS' MOTION FOR
SUMMARY JUDGEMENT AND
ERRATA FOR BRIEFS FILED IN
RELIANCE**

Plaintiff, Tim Galli, respectfully moves this court for administrative relief under Local Rule 7-11 with regard to filing an Amended Declaration of Tim Galli in Support of Plaintiff's Opposition to Defendants' Motion for Summary Judgment and errata for briefs filed in reliance on Tim's Galli's Declarations in Support of Plaintiff's Opposition to Defendants' Motion for Summary Judgment.

I. Background and Argument

1. On April 20, 2011, Plaintiff filed the Declaration of Tim Galli in Support of Opposition to Defendants' Motion for Summary Judgment ("Galli Declaration"). (Galli Declaration attached as Exhibit 1.)

2. On May 6, 2011, Plaintiff became aware that the Galli Declaration contained an inaccurate averment, that "[Galli] was first informed of the charges against [him] when [he] received the 'Accusation and Statement of Charges' date June 15, 2009." (Galli Declaration, ¶ 14.)

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3. In order to correct the inaccuracy contained in the Galli Declaration, Plaintiff seeks leave of the Court to file an Amended Declaration of Tim Galli in Support of Plaintiff's Opposition to Defendants' Motion for Summary Judgment ("Amended Galli Declaration"). (A copy of the proposed Amended Galli Declaration is attached as Exhibit B.)

4. Plaintiff's Opposition to Defendants' Motion for Summary Judgment ("Plaintiff's Opposition") and Plaintiff's Reply to Defendants' Opposition to Plaintiff's Motion for Partial Summary Judgment (Plaintiff's Reply) relied, in part, upon the inaccuracy contained in the Galli Declaration.

5. Plaintiff seeks leave of the court to file errata for Plaintiff's Opposition and Plaintiff's Reply. (Proposed errata for Plaintiff's Opposition and Plaintiff's Reply are attached as Exhibits 3 and 4, respectively.)

6. The proposed errata for Plaintiff's Opposition and Plaintiff's Reply do not change the substance and legal conclusions contained in Plaintiff's briefs, they merely change the reference to and reliance upon the Galli Declaration.

II. Conclusion

For the foregoing reasons, Plaintiff respectfully requests that this court grant administrative relief pursuant to Local Rule 7-11 as follows:

- (a) grant Plaintiff leave to file the Amended Declaration of Tim Galli in Support of Opposition to Defendants' Motion for Summary Judgment;
- (b) grant Plaintiff leave to file errata for Plaintiff's Opposition to Defendants' Motion for Summary Judgment; and
- (c) grant Plaintiff leave to file errata for Plaintiff's Reply to Defendants' Opposition to Plaintiff's Motion for Partial Summary Judgment.

Dated: May 12, 2011

THE VENARDI LAW FIRM

/s/ Mark Venardi
Mark L. Venardi
Attorneys for Plaintiff Tim Galli

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the forgoing was served via ECF, this 12th day of May, 2011, upon:

Roy A. Combs, Esq.
Joshua A. Stevens, Esq.
Fagen Friedman & Fulfroost, LLP
70 Washington Street
Suite 205
Oakland, CA 94607

THE VENARDI LAW FIRM

/s/ Mark Venardi
Mark L. Venardi

Attorneys for Plaintiff TIM GALLI

Mark L. Venardi (SBN 173140)

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Plaintiff,

vs.

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BARBARA WILSON AND PERCY MCGEE,

Defendants.

CASE NO: 3:09-cv-03775-JSW

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR
PROPOSED ADMINISTRATIVE
RELIEF**

The Court having considered the Plaintiff, Tim Galli's, motion for administrative relief with regard to the filing of an Amended Declaration of Tim Galli in Support of Plaintiff's Opposition to Defendants' Motion for Summary Judgment and errata for briefs filed in reliance on Tim's Galli's Declarations, and all papers filed by the parties in connection therewith, and the Court further having considered the arguments of counsel for and against the motion, hereby orders that:

- (a) Plaintiff is granted leave, *instanter*, to file the Amended Declaration of Tim Galli in Support of Opposition to Defendants' Motion for Summary Judgment;
- (b) Plaintiff is granted leave, *instanter*, to file errata for Plaintiff's Opposition to Defendants' Motion for Summary Judgment; and
- (c) Plaintiff is granted leave, *instanter*, to file errata for Plaintiff's Reply to Defendants' Opposition to Plaintiff's Motion for Partial Summary Judgment.

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DATED: _____

Hon. Jeffrey S. White

UNITED STATES DISTRICT JUDGE